

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Case No. 2:12-CR-113 JCM (VCF)

Plaintiff(s),

ORDER

v.

ROSALIO ALCANTAR, et al.

Defendant(s).

Presently before the court is defendant Anthony Wilson's motion to terminate supervised release. (ECF No. 383).

On May 31, 2012, defendant plead guilty to count one of the information alleging conspiracy to commit mail and wire fraud in violation of 18 U.S.C. §§ 1341, 1343, and 1349. (ECF Nos. 44, 72, 374, 383). On November 17, 2015, defendant was sentenced to time served, supervised release for two years with special conditions, and payment of \$115,700 in restitution. (ECF Nos. 369, 374).

Defendant now asserts that he has been compliant with all of the terms of his supervised release, including the special condition regarding community service. (ECF No. 383). He now lives in California and requests that supervised release be terminated at this time. (*Id.*).

Pursuant to 18 U.S.C. § 3583(e), the court may, after considering the factors set forth in 18 U.S.C. § 3553(a), terminate supervised release after one year "if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1); *see also United States v. Emmett*, 749 F.3d 817, 819 (9th Cir. 2014).

First, defendant was convicted in relation to conspiracy to commit fraudulent activity; therefore, supervision is appropriate to protect his community, dissuade him from any future illegal activity, and ensure that plaintiff focuses on his marketing consulting employment as his income source. 18 U.S.C. § 3553(a); (ECF No. 383).

1 Next, his sentence is hardly draconian. On November 17, 2015, this court granted the
2 government's motion for downward departure, and defendant's custody sentence was time served.
3 (ECF Nos. 369, 374). Most glaringly, the vast majority of defendant's restitution obligation is still
4 outstanding. *See* (ECF No. 383). Defendant asserts that he has met his \$1,000 monthly payment
5 requirement since he began supervised release, which this court applauds. (*Id.*). However, the
6 present cumulative sum paid is relatively small compared to the sum still owed. *See (id.)*.

7 Therefore, the court finds that, after considering the factors enumerated in 18 U.S.C. §
8 3553(a), termination of defendant's supervised release is not warranted and would not be in the
9 interest of justice. 18 U.S.C. § 3583(e)(1).

10 Accordingly,

11 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion for
12 termination of supervised release (ECF No. 383) be, and the same hereby is, DENIED.

13 DATED December 23, 2016.

14 
15 _____
16 UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26
27
28